

LEGISLATURE OF NEBRASKA  
NINETY-EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 593**

Introduced by Jensen, 20

Read first time January 21, 2003

Committee: Judiciary

A BILL

1 FOR AN ACT relating to medical liens; to amend section 52-401,  
2 Reissue Revised Statutes of Nebraska; to provide for  
3 liens for chiropractors; to except certain liens; to  
4 repeal the original section; and to declare an emergency.  
5 Be it enacted by the people of the State of Nebraska,

1                   Section 1.   Section 52-401, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   52-401.   Whenever any person employs a physician,  
4 chiropractor, nurse, or hospital to perform professional service or  
5 services of any nature, in the treatment of or in connection with  
6 an injury, and such injured person claims damages from the party  
7 causing the injury, such physician, chiropractor, nurse, or  
8 hospital, as the case may be, shall have a lien upon any sum  
9 awarded the injured person in judgment or obtained by settlement or  
10 compromise on the amount due for the usual and customary charges of  
11 such physician, chiropractor, nurse, or hospital applicable at the  
12 times services are performed, except that no such lien shall be  
13 valid against anyone coming under the Nebraska Workers'  
14 Compensation Act or for persons covered under medicare or medicaid  
15 or in an amount in excess of applicable medical insurance except to  
16 the extent of any copay, deductible, or coinsurance portion.

17                  In order to prosecute such lien, it shall be necessary  
18 for such physician, chiropractor, nurse, or hospital to serve a  
19 written notice upon the person or corporation from whom damages are  
20 claimed that such physician, chiropractor, nurse, or hospital  
21 claims a lien for such services and stating the amount due and the  
22 nature of such services, except that whenever an action is pending  
23 in court for the recovery of such damages, it shall be sufficient  
24 to file the notice of such lien in the pending action.

25                  A physician, chiropractor, nurse, or hospital claiming a  
26 lien under this section shall not be liable for attorney's fees and  
27 costs incurred by the injured person in securing the judgment,  
28 settlement, or compromise, but the lien of the injured person's

1 attorney shall have precedence over the lien created by this  
2 section.

3           Upon a written request and with the injured person's  
4 consent, a lienholder shall provide medical records, answers to  
5 interrogatories, depositions, or any expert medical testimony  
6 related to the recovery of damages within its custody and control  
7 at a reasonable charge to the injured person.

8           Sec. 2. Original section 52-401, Reissue Revised  
9 Statutes of Nebraska, is repealed.

10           Sec. 3. Since an emergency exists, this act takes effect  
11 when passed and approved according to law.